

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 2, 3, 4, 5, 9, and 12 are requested to be cancelled.

Claims 6, 7, 8, 10, and 11 are currently being amended.

Claim 13 is being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 6, 7, 8, 10, 11, and 13 are now pending in this application. Claim 13 is the only independent claim.

The careful review and examination of this application is appreciated. The editorial revisions noted by the examiner in claims 1 and 4, which caused the examiner to reject the claims under 35 USC §112 and to further object to claim 4 have been corrected.

The examiner rejected the claims under 35 USC §§102 and 103 based on U.S. Patent Nos. 4,673,165 and 5,154,465. New claim 13, the only independent claim in this application, clearly is patentable over these references.

Claim 13 now clearly recites that the invention includes a fixed blade and at least one pivot blade. The fixed blade is fixedly connected to the elongated shaft. The pivot blade is pivotably connected to the ground support. Thus, the blades are not connected to the same structural element, as is the case with the references relied on by the examiner. In the '165 patent the prong members 22 are contained within sleeves 20, which are welded to the handle 12. There is no disclosure or suggestion to use a structure in which one blade is fixed to an elongated shaft with the other blade connected to a ground support element and allowed to pivot relative to the fixed blade, as now specifically claimed. The '465 is similarly deficient.

The examiner cited the '465 reference as showing an "array" of blades. However, there is no disclosure or suggestion in the '465 reference of the fixed blade, pivot blade, and gear connection functionally connecting the fixed blade to the pivot blade, as now claimed.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

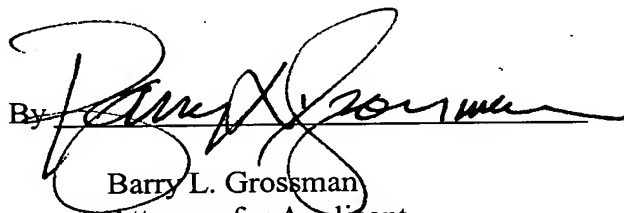
Respectfully submitted,

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